

ORDINANCE NO. 2015 - 2140

AN ORDINANCE AMENDING THE WESTCHESTER MUNICIPAL CODE TO PROHIBIT SECONDHAND DEALERS, JUNK PEDDLERS AND PAWN SHOPS FROM DEALING IN CATALYTIC CONVERTERS

WHEREAS, due to the value of the precious metals contained in catalytic converters, there has been an increase in the theft of catalytic converters throughout the City of Chicago and the surrounding suburbs; and

WHEREAS, in order to diminish the resale value of stolen catalytic converters, the Village of Westchester (the “Village”) finds it advisable, necessary and in the public interest to prohibit secondhand dealers, junk peddlers and pawns shops from purchasing or selling catalytic converters; and

WHEREAS, the corporate authorities of the Village desire to amend certain provisions of the Westchester Municipal Code in order to provide for the prohibition of the purchase or sale of catalytic converters by secondhand dealers, junk peddlers and pawns shops.

NOW, THEREFORE, BE IT ORDAINED by the Village President and Board of Trustees of the Village of Westchester, Cook County, Illinois as follows:

Section 1: Chapter 5.28, entitled “Junk Dealers,” of Title 5, entitled “Business Licenses and Regulations,” of the Westchester Municipal Code is hereby amended by adding thereto, Section 5.28.090, entitled “Prohibited acts,” and Section 5.28.100, entitled “Violation – Penalty,” as follows:

5.28.090 – Prohibited acts.

It shall be unlawful for any junk dealer to engage in the business of buying, selling, bartering or exchanging, or to collect, receive, store or hold for sale, any catalytic converter that is not attached to a motor vehicle, or any portion of a dismantled catalytic converter that is reasonably identifiable as such.

5.28.100 – Violation – Penalty.

Any violation of the provisions of this Chapter or any related ordinance shall result in the imposition of a fine as set forth in Chapter 1.12 of the Village of Westchester Municipal Code. Each day a violation exists shall be considered a separate violation.

Section 2: Chapter 5.44, entitled “Peddlers,” of Title 5, entitled “Business Licenses and Regulations,” of the Westchester Municipal Code is hereby amended by adding thereto,

Section 5.44.070, entitled “Prohibited acts,” and Section 5.44.080, entitled “Violation – Penalty,” as follows:

5.44.070 – Prohibited acts.

It shall be unlawful for any peddler to engage in the business of buying, selling, bartering or exchanging, or to collect, receive, store or hold for sale, any catalytic converter that is not attached to a motor vehicle, or any portion of a dismantled catalytic converter that is reasonably identifiable as such.

5.44.080 – Violation – Penalty.

Any violation of the provisions of this Chapter or any related ordinance shall result in the imposition of a fine as set forth in Chapter 1.12 of the Village of Westchester Municipal Code. Each day a violation exists shall be considered a separate violation.

Section 3: Section 5.48.070, entitled “Prohibited acts,” of Chapter 5.48, entitled “Service Stations,” of Title 5, entitled “Business Licenses and Regulations,” of the Westchester Municipal Code is hereby amended as follows:

5.48.070 – Prohibited acts.

Service station operators are prohibited from:

- (1) Storing junk trucks, autos or wrecks or any wrecked motor vehicle for any period in excess of forty-eight hours;
- (2) Performing any but minor repair work;
- (3) Purchasing from any person any catalytic converter that is not attached to a motor vehicle, or any portion of a dismantled catalytic converter that is reasonably identifiable as such, unless the person from whom such catalytic converter or portion thereof is purchased is: (1) another properly licensed motor vehicle repair shop under Chapter 5.48 of this Code, or (2) a properly permitted recycling facility, or (3) the original manufacturer of the catalytic converter or portion thereof.

Section 4: Chapter 5.48, entitled “Service Stations,” of Title 5, entitled “Business Licenses and Regulations,” of the Westchester Municipal Code is hereby amended by adding thereto Section 5.48.120, entitled “Proper disposal of catalytic converters,” as follows:

5.48.120 – Proper disposal of catalytic converters.

Catalytic converters or parts of dismantled catalytic converters shall only be sold, disposed of or otherwise transferred: (1) to another properly licensed motor vehicle repair shop

under Chapter 5.48 of this Code, or (2) to a properly permitted recycling facility, or (3) by returning the converter or part thereof to its original manufacturer. Each catalytic converter or part thereof that is sold, disposed of or otherwise transferred pursuant to this Section shall be accompanied by a dated invoice, which shall be prepared for each catalytic converter that is removed from a vehicle. Such invoice shall include the full name, address, telephone number and driver's license number of the owner of the vehicle from which the catalytic converter was removed, and the make, model, year and vehicle identification number of such vehicle. Such invoices shall be kept by the licensee for two years and, upon request by any authorized Village official, shall be made available for inspection during the shop's regular business hours by such authorized Village official.

Section 5: Chapter 5.101, entitled "Jewelers, Pawnbrokers and Resale Shops," of Title 5, entitled "Business Licenses and Regulations," of the Westchester Municipal Code is hereby amended by adding thereto, Section 5.101.120, entitled "Prohibited acts," as follows:

5.101.120 – Prohibited acts.

It shall be unlawful for any pawnbroker or resale shop to engage in the business of buying, selling, bartering or exchanging, or to collect, receive, store or hold for sale, any catalytic converter that is not attached to a motor vehicle, or any portion of a dismantled catalytic converter that is reasonably identifiable as such.

Section 6: This Ordinance shall be in full force and effect ten (10) days after its passage and approval, according to law.

ADOPTED this 14th day of July, 2015, pursuant to a roll call vote as follows:

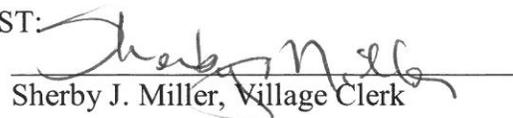
Angelo A. Calcagno	<u>Aye</u>	Celestine Reda	<u>Aye</u>
Carl C. Celestino	<u>Aye</u>	Nick Steker	<u>Aye</u>
Frank Perry	<u>Absent</u>	Tom Yurkovich	<u>Absent</u>

President Pulia Aye

APPROVED this 14th day of July, 2015.



Sam D. Pulia, Village President

ATTEST: 
Sherby J. Miller, Village Clerk